

SIKKIM



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GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
TASHILING, GANGTOK 737101

No: 32/RDD/24-25

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NOTIFICATION

The draft of the Sikkim Mahatma Gandhi National Rural Employment Guarantee (Unemployment Allowance) Rules, 2024, which the Government of Sikkim proposes to make in exercise of powers conferred by sub-section (1) of section 32 of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005) is hereby published as required by sub-section (1) of that section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after a period of 45 (forty five) days from the date of its publication in the Official Gazette.

Any objections or suggestions which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary, Rural Development Department, Government of Sikkim.

DRAFT RULES

CHAPTER 1

PRELIMINARY

**Short title,
extent and
commencement. –**

1. (1) These rules may be called the Sikkim Mahatma Gandhi National Rural Employment Guarantee Scheme (Unemployment Allowances Rules, 2024).
- (2) They shall extend to all the rural areas of Sikkim.
- (3) They shall come into force on the date of their publication in the Official Gazette.

Definitions.-

2. (1) In these rules, unless the context otherwise requires,-
 - (a) “Act” means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005);

- (b) **“Block”** means a community development area within a District comprising of a group of Gram Panchayats;
- (c) **“Central Rules”** means the rules framed by the Government of India under the Act;
- (d) **“District Programme Coordinator”** means the Additional District Collector (Development.) designated for implementation of the Scheme in the district by the State Government ;
- (e) **“Programme Officer”** means the Block Development Officer(BDO) designated as the Programme Officer for implementing the Scheme at the Block level;
- (f) **“Rules”** means Sikkim Mahatma Gandhi National Rural Employment Guarantee Scheme (Unemployment Allowances Rules), 2024;
- (g) **“State Cell”** means the NREGA Cell constituted under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005) by the Government of Sikkim;
- (h) **“Wage rate for Unskilled Workers”** means the daily wage rate fixed by the Central Government from time to time for unskilled workers working under the Mahatma Gandhi National Rural Employment Guarantee Scheme.

2. The words and expressions used but not defined in these rules and defined in the Act shall have the same meaning respectively assigned to them in the Act

**Eligibility to
receive
Unemployment
Allowance. -**

3. (1). A person who is registered under the scheme and who has given a letter offering employment to the Programme Officer shall be entitled to receive a daily unemployment allowance at the rate of one-fourth of the wage rate for unskilled worker for the first 30 (thirty) days during the financial year and not less than one-half of the wage rate for unskilled workers for the remaining period of the financial year:

Provided that the applicant for employment shall be able to furnish, if necessary, the receipt issued with the date of acknowledgement of the oral or written application for employment made through any of the means indicated in entry 8 of the Schedule I of the Act which shall be registered at the Gram Panchayat along with an entry in the Computer/ Management Information System.

- (2). The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease in certain circumstances in tune with the provisions of the sub-section (3) of section 7 of the Act.
- (3). Disentitlement to receive unemployment allowance in certain circumstances shall follow the provisions laid down in section 9 of the Act.

- (4). The Programme Officer can reject the payment of unemployment allowance only on grounds of force majeure.

**Procedure for
payment of
Unemployment
Allowance.-**

4. (1). A person who has not been provided employment and is entitled to claim Unemployment Allowance shall make an application in Form No. 1 to the Programme Officer on the next day of the fifteenth day from which he/she has applied for the job or from the date on which the employment has been sought in the case of an advanced petition, whichever is later.
- (2). A copy of the acknowledgement/receipt issued in Form No.2 while handing over the application seeking employment shall be attached along with the application for unemployment allowance.
- (3). On receipt of the application, the Programme Officer shall verify the claim made by the applicant and certify the actual days for which unemployment allowance has to be paid, after a thorough cross verification of the Job Card Register, Employment Register, Management Information System of the Mahatma Gandhi National Rural Employment Guarantee Scheme and Muster Rolls. If he is satisfied that the applicant had duly submitted application for employment under the scheme but was not provided the job within the prescribed time limit as envisaged in sub –section (1) of the section 7 of the Act and that the applicant is entitled for payment of unemployment allowance, he shall issue appropriate orders based on the merits of the claim for payment of the unemployment allowance to be paid to the applicant. The orders shall be communicated to the applicant seeking unemployment allowance and also to the person/persons responsible for creating the liability leading to the payment of unemployment allowance.
- (4). The unemployment allowance payable shall be classified into 2 (two) levels, District level and the Block level. The unemployment allowance will be paid by the respective level due to which the unemployment has been generated:
- Provided that no cash payments shall be permitted and that the District Programme Coordinator and Programme Officer shall not make payment of unemployment allowance out of the fund received from the Central or State Government meant for the implementation of the Scheme.
- (5). If the Programme Officer rejects the demand for unemployment allowances, he shall record the reasons for rejecting the same and intimate the same to applicant in writing.
- (6). The Programme Officer while making payment of unemployment allowances to eligible applicants shall do in the manner as directed by the State Government.
- (7). The Programme Officer shall submit the monthly statement in the register to the District Programme Coordinator regarding the payment of unemployment allowance made by him.

Appeals.-

5. 1). Any person aggrieved by the order of the Programme Officer may file an appeal in writing in Form No. 3 within 30 (thirty) days of the receipt of such order to the District Programme Coordinator and such appeal shall be disposed off within a period of 15 (fifteen) days by him after conducting a summary enquiry.
- (2). Recoveries, if any, from whomsoever concerned, consequent to the order of the appellate authority, shall be effected by the Programme Officer by recovering the amount in whole or in equal monthly instalments from the salary in the case of permanent employees or from the wage in the case of contract employees at the rate fixed by the Programme Officer by initiating revenue recovery process.

Form No.1
(See sub rule (I) of rule 4)
APPLICATION FOR UNEMPLOYMENT ALLOWANCE
The Mahatma Gandhi National Rural Employment Guarantee Scheme Unemployment
Allowance Rules, 2023.

Name of the Gram Panchayat:

Name of Block

Application No./Year.....

Sl. No.	Particulars	Details
1.	Name	
2.	Address	
3.	Job Card No.	
4.	Aadhar No.	
5.	Name of the Bank in which account opened with Ac. No.	
6.	No. of days of job received during the year	
7.	Amount received in the bank account as Unskilled wages	
8.	Date on which job demanded	
9.	No of days of job demanded	
10.	Whether dated receipt issued for job demanded attached	Yes/No
11.	If no, reasons thereof	
12.	Award of the Programme Officer with Signature{Rule 4(III)} (To be prepared in duplicate –one copy to be served to the applicant) <i>If allowance is awarded mention whether Government or the individual is liable to pay as per rule 4(IV) of the Rules</i>	

Place:

Date:

Name and Signature of the Applicant

Form No. 2
(See sub- rule (II) of rule 4)
ACKNOWLEDGEMENT RECEIPT OF THE APPLICATION FOR JOB
The Mahatma Gandhi National Rural Employment Guarantee Scheme
Unemployment Rules, 2023

Name of Gram Panchayat:

Name of Block :

Application for work is received from Shri/Smt.

s/o/w/o..... residing (address).....

Gram Panchayat..... whose Job Card number is.....

on(dd/mm/yy)

Date:

Signature of the Gram Panchayat

Form No.3
(See rule 5)
APPLICATION FOR FILING APPEAL BEFORE THE DISTRICT PROGRAMME
CO-ORDINATOR

The Mahatma Gandhi National Rural Employment Guarantee Scheme
Unemployment Allowance Rules, 2023

Name of Gram Panchayat:

Name of Block:

Appeal No...../Year.....

Sl. No.	Particulars	Details
1.	Name	
2.	Address	
3.	Job Card No.	
4.	Date on which application for unemployment allowance filed	
5.	Whether copy of the award	
6.	Justification for filing the Appeal	
7.	Findings of the District Programme Coordinator	

Place:

Date:

Signature of the Officer

